

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES

vs.

Criminal No. 04 CR 30033-MAP

JAMES ASSELIN

**DEFENDANT, JAMES ASSELIN'S,
MOTION THAT THE COURT ACCEPT
DEFENDANT'S WAIVER OF APPEARANCE**

Now comes the Defendant, James Asselin, in the above-captioned matter, and moves this Honorable Court, pursuant to Rule 10 (b) of the Federal Rules of Criminal Procedure, to Accept Defendant's Waiver of his Appearance at the Arraignment scheduled in this case.

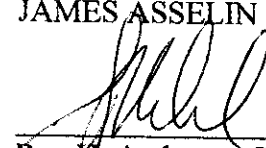
As grounds therefor, the Defendant states:

1. The Defendant is presently serving a 41 month sentence, and is incarcerated FMC Devens;
2. As set forth in the written waiver attached hereto, signed by both the Defendant and defense counsel, the Defendant waives his appearance and has affirmed that he has received a copy of the indictment, and that his plea to charges against him is not guilty;
3. The purposes of an arraignment, to inform the accused of the charges against him and to obtain an answer from him, have been served under the facts and circumstances in the present case, and arraignment is not necessary in this case in order for the Defendant to adequately defend himself. See, e.g., U. S. v. Hart, 457 F.2d 1087, cert. den., 409 U.S. 861 (10th Cir. 1972); U. S. v. Gray, 448 F.2d 164, cert. den., 405 U.S. 926 (9th Cir. 1971).

WHEREFORE, the Defendant, James Asselin, respectfully requests this Honorable Court allow his Motion that the Court Accept Defendant's Waiver of Appearance.

THE DEFENDANT,
JAMES ASSELIN


By



Roy H. Anderson, Esq.
935 Main Street, Suite 303
Springfield, MA 01103
Tel.: (413) 736-2400
Fax: (413) 788-9178
BBO # 018600

CERTIFICATE OF SERVICE

I, Roy H. Anderson, Esq., hereby certify that I caused the foregoing document to be served upon the United States Attorney's Office at 1500 Main Street, Springfield, MA, by hand delivery this 25th day of March, 2005.



Roy H. Anderson, Esq.
935 Main Street, Suite 303
Springfield, MA 01103
Tel.: (413) 736-2400
Fax: (413) 788-9178
BBO # 018600

DATED: March 25, 2005

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES

vs.

Criminal No. 04-CR-30033-MAP

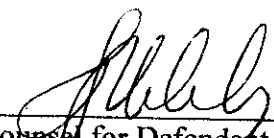
JAMES ASSELIN

WAIVER

Pursuant to Federal Rule of Criminal Procedure 10(b), the Defendant, James Asselin, hereby waives personal appearance at the arraignment on the charges currently pending against him in this court.

- (1) The Defendant affirms that he has received a copy of the indictment;
- (2) The Defendant understands that he has the right to appear personally before the Court for an arraignment on these charges, and voluntarily waives that right; and
- (3) The Defendant pleads not guilty to all counts of the indictment.


Defendant


Counsel for Defendant
Roy H. Anderson, Esq.
935 Main Street, Suite 303
Springfield, MA 01103
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BBO # 018600